

ELECTRONICALLY FILED

PATENT APPLICATION  
Docket No. 13768.36.25.1.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
	Joseph Paul-Emile Pierre Cote, et al.	)
Serial No.:	09/855,445	) Art Unit
Filed:	May 15, 2001	) 2453
Conf. No.:	1736	)
For:	SYSTEM AND METHOD FOR MONITORING SERVER PERFORMANCE USING A SERVER	)
Examiner:	Aaron N. Strange	)
Customer No.:	47973	)

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Owners, Microsoft Corporation, having 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of reference application No. 08/682,832 (now U.S. Patent No. 5,938,729), as the term is defined in 35 U.S.C. §§ 154 and 173, and as the term of said reference application is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior reference application are commonly owned. This Agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on said reference applications, "as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications, "in the event that: any such patent: granted on the pending reference applications: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 19<sup>th</sup> day of May, 2009.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
COLBY C. NUTTALL  
Registration No. 58,146  
Attorneys for Applicant  
Customer No. 047973